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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

AT ANCHORAGE

CITY OF SAINT PAUL, a municipal corporation,)	
)	
Plaintiff,)	
	)	No. 3:97-cv-0181 HRH
vs.)	
)	
DONALD EVANS, Secretary of the United States Department of Commerce, and CONRAD C. LAUTENBACHER, JR., Administrator, National Oceanic and Atmospheric Administration, and TANADGUSIX CORPORATION, an Alaska corporation,	)	UNOPPOSED MOTION BY DEFENDANT
	)	AND COUNTERCLAIMANT TANADGUSIX
	)	CORPORATION (A) MODIFYING
	)	DEADLINES IN SCHEDULING ORDER
	)	FOR DAMAGES AND REMEDIES PHASE
	)	OF CASE AND (B) FOR EXTENSION
	)	OF TIME FOR THE CITY TO FILE
	)	ITS OPPOSITION TO TDX' FIRST
	)	MOTION TO COMPEL ANSWERS TO
Defendant.	)	INTERROGATORIES AND PRODUCTION
	)	OF DOCUMENTS AND FOR SANCTIONS

Defendant and counterclaimant Tanadgusix Corporation ("TDX"), by and through its attorneys of record, Turner & Mede, P.C. and Law Office of Douglas F. Strandberg, P.S., hereby moves for (a) the entry of the attached modified scheduling order; and (b) an order granting the City an extension from August 28, 2006 until November 28, 2006 to file its Opposition to TDX' First Motion to Compel Answers to Interrogatories and Production of Documents and for Sanctions. Such motion has been discussed with the attorneys for plaintiff and counterdefendant City of Saint Paul ("City") and is unopposed by the City.

The modified scheduling order sought by this unopposed motion changes the deadlines by which (a) expert designations are to be served from August 28, 2006 to November 28, 2006, (b) expert reports are to be served from December 28, 2006 to March 29, 2007, (c) lay witness discovery completion from December 28, 2006 to March 29, 2007, (d) expert witness discovery completion from February 28, 2007 to May 28, 2007, (e) filing of discovery motions from March 29, 2007 to June 29, 2007, and (f) filing of summary judgment motions, *in limine* motions and motions for ruling on the law of the case from February 28, 2007 to May 28, 2007.

The reason for this unopposed motion is that the City and TDX are currently engaged in settlement negotiations. The negotiations involve complex land issues and require considerable coordination among the parties and their consultants. The parties

believe such negotiations will be materially aided by such extensions.

Over the last three months the parties have made considerable progress in their negotiations. Proceeding on the basis that the best way to resolve complex upland, tideland, and access issues on Saint Paul Island, especially the Harbor area, is for the parties to agree on a subdivision of land in the Harbor area and to locate all existing utilities, the parties have exchanged several comprehensive draft settlement proposals.

TDX retained consulting engineers who, after numerous meetings with TDX management and attorneys, prepared a comprehensive set of maps which detail current land status and proposed subdivision and ownership and road dedication, which maps have been utilized in negotiations.

After the City, on March 6, 2006, provided TDX with the City's counterproposal to TDX' comprehensive settlement proposal, TDX held a two-day Board of Directors meeting exclusively on the City counterproposal and the Board directed TDX management and attorneys to continue negotiations. As a result on June 23, 2006 TDX presented the City with a detailed revised settlement proposal, a draft offer, and a thirteen page letter of explanation of proposed or revised terms. TDX has also made detailed suggestions to the City for revision of certain City ordinances, which revisions may be necessary to accomplish settlement. The City and

its attorneys are in the process of reviewing the latest TDX settlement proposal and they have indicated to TDX attorneys that they are now prepared to discuss the latest TDX proposal. The parties anticipate that next week they will be meeting to discuss and attempt to resolve their remaining differences between the last two proposals. The parties still anticipate that by the end of September, 2006 they should be in a position to determine if a settlement can be achieved without further involvement of the Court. Such unopposed motion does not affect any rights or obligations of the only other parties in this case, the Federal Defendants. As a result, it should be granted by the Court forthwith.

RESPECTFULLY SUBMITTED at Anchorage, Alaska, this 25th day of August, 2006.

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Certificate of Service

This is to certify that on this 25th day of August, 2006, a copy of the foregoing was served Electronically on:

Department of Justice
Environmental & Natural Resources Division
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